

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: Lindell Management LLC Litigation

Case No. 23-cv-1433 (JRT/DJF)

**JOINT RULE 26(F) REPORT**

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The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules on July 10, 2023, and prepared the following report.

**DESCRIPTION OF THE CASE**

1. Concise factual summary of Robert Zeidman's claims: On April 19, 2023 a three-person panel of the American Arbitration Association issued a unanimous, reasoned Award in favor of Robert Zeidman against Lindell Management, LLC. Mr. Zeidman seeks expedited briefing on the very limited issue in this case, whether or not to confirm or vacate the award, and an order confirming the arbitration award pursuant to 9 U.S.C. § 9 and Minn. Stat. § 572B.

2. Lindell Management LLC seeks an Order vacating the above award pursuant to 9 U.S.C. § 10(a)(4) and Minn. Stat. § 572B.23(a)(4) based on the arbitration panel's exceeding its authority. Lindell Management LLC seeks reversal of the arbitration award, or in the alternative remand to an arbitration panel for retrial.

3. Statement of jurisdiction (including statutory citations): The Court has jurisdiction over the Parties' claims pursuant to 28 U.S.C. §§ 1331 and 1332(a). The Court has supplemental jurisdiction over the Parties' state law claims pursuant to 28 U.S.C. § 1367.

4. Summary of factual stipulations or agreements: None. The Parties will rely on the record of the underlying arbitration hearing, including the transcript of said hearing and all exhibits.

5. Statement of whether a jury trial has been timely demanded by any party: Neither Party has demanded a jury trial.

6. Statement as to whether the parties agree to resolve the matter under the Rules of Procedure for Expedited Trials of the United States District Court, District of Minnesota, if applicable: Lindell Management, LLC does not agree to resolve the matter under the Rules of Procedure for Expedited trials. Mr. Zeidman requests that the Rule 16 conference be held as soon as practicable, and that dispositive motions be filed within 20 days of the conference given that the parties have agreed that there is no discovery required and that they will resolve this dispute on the motions.

7. Has all process has been served and have all pleadings been filed? Yes.

8. Does any party have plans to seek to amend the pleadings or add additional parties to the action, and if so, what are those plans? No.

### **FACT DISCOVERY**

The Parties have agreed they will not conduct discovery in this matter. The Parties anticipate using the record of the underlying arbitration hearing, including the transcript of said hearing and all exhibits, in their respective Motions.

### **PROPOSED MOTION SCHEDULE**

The parties propose the following deadlines for filing motions:

1. Motions seeking to join other parties must be filed and served by: N/A.
2. Motions seeking to amend the pleadings must be filed and served by: N/A.
3. Non-dispositive motions: N/A.
4. Dispositive motions: Lindell Management LLC requests that dispositive motions be filed by December 1, 2023. Robert Zeidman requests that the Rule 16 conference be held as soon as practicable, and that dispositive motions be filed within 20 days of the conference given that there is no discovery required and no other issues to resolve other than the very limited issue of whether to confirm or vacate the arbitration award. Response briefs should be filed 20 days after opening briefs.

### **TRIAL-READY DATE**

The Parties agree that these actions will be decided by motion, and that no trial will be necessary.

### **INSURANCE CARRIERS/INDEMNITORS**

List all insurance carriers/indemnitors, including limits of coverage of each defendant or a statement that the defendant is self-insured: N/A.

### **SETTLEMENT**

The Parties did not discuss settlement at the Rule 26(f) meet-and-confer, as they do not believe that settlement is possible nor appropriate under the circumstances. The Parties are willing to explore settlement should the Court so order.

**TRIAL BY MAGISTRATE JUDGE**

The parties have not agreed to consent to jurisdiction by the Magistrate Judge under 28 U.S.C. § 636(c).

**PARKER DANIELS KIBORT LLC**

DATE: July 24, 2023

By: /s/ Alec J. Beck

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DATE: July 24, 2023

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